

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s) : Kamal Acharya et al.
Application No. : 09/975,831
Filed : October 11, 2001
For : METHOD AND SYTEM FOR INTEGRATED ONLINE AND
BRICK AND MORTAR PROVIDER SHOPPING

Examiner : Brandy A. Zukanovich
Art Unit : 3625
Docket No. : 122118-175973
Date : November 3, 2011

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF PETITION

PURSUANT TO 37 CFR 1.47(a) AND 1.48(a)

Commissioner for Patents:

I. Preliminary comments

This request for reconsideration is being filed in response to the Decision on Petition (hereinafter referred to as “the Decision”) mailed on September 6, 2011. The Decision dismissed the Petition under 37 CFR 1.47(a) that was filed on August 29, 2011 for non-signing inventors (Kamal Acharya, Matthew C. Crampton, and Vincent Tong), along with a request to change inventorship under 37 CFR 1.48(a) to delete an inventor (Ellen F. Butler, now Ellen F. Butler Patterson).

In general, the Decision asserted that the Petition “did not go into the substance of the successful or unsuccessful transmittal of the papers in question to the non-signing inventors,”

and that the Petition "...failed to establish that the non-signing inventors have been presented with the full application and have refused to sign the declaration..."

For the reasons set forth below, it is kindly requested that the Petition under 37 CFR 1.47(a) and the request to change inventorship under 37 CFR 1.48(a) be reconsidered and granted.

To the extent appropriate, this present filing also incorporates by reference the contents of the previously filed Petition under 37 CFR 1.47(a) and the request to change inventorship under 37 CFR 1.48(a).

II. Inventor Kamal Acharya

An inventor declaration executed by Kamal Acharya has been received, and is attached herewith as Exhibit 5. Since the executed inventor declaration of Kamal Acharya is now filed herewith as part of the record, the Petition under 37 CFR 1.47(a) is now requested to be processed/reconsidered with respect to the two remaining non-signing inventors Crampton and Tong.

The further efforts taken to reach inventors Crampton and Tong to review and sign the application papers are described next.

III. Matthew C. Crampton

A transmittal letter along with application papers and a self-addressed stamped return envelope were sent as a packet via U.S. Postal Service Certified Mail to the last known address of inventor Crampton on September 27, 2011. As shown in Exhibit 6:

- the packet was sent on September 27, 2011 to the last known address of inventor Crampton at 841 W California Ave., Unit C, Sunnyvale, CA 94086. This address was obtained from an electronic records search (shown in the fifth page of Exhibit 1 included with the Petition under 37 CFR 1.47(a) previously filed on August 29, 2011) performed by our law firm's research department.

- The packet sent on September 27, 2011 to inventor Crampton included a copy of the application papers, along with a request for inventor Crampton to review and execute the application papers. As stated in the transmittal letter to inventor Crampton:

"We are thus sending herewith additional copies of the Inventorship Declaration, and the publication of the present patent application, and amendments (a)-(j) along with a return envelope that you can use to return the signed Inventorship Declaration to my office. Please review these materials including all information on the publication of the present application, amendments (a)-(j), and Inventorship Declaration to ensure that they are complete and accurate. If all of the materials enclosed herewith meet with your approval after you review them, please sign and date the Inventorship Declaration. The Inventorship Declaration should be signed with your first name and last name as set forth in the Inventorship Declaration. If you have questions concerning the documents, please contact me to discuss. Once the Inventorship Declaration has been signed, please return it to my office in the enclosed pre-addressed envelope."

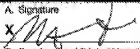
- The transmittal letter of September 27, 2011 further included some language regarding a constructive refusal: "Please note that failure to respond may be considered a refusal to sign the Inventorship Declaration."

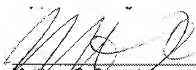
- For the sake of brevity herein, copies of the application papers sent to inventor Crampton on September 27, 2011 are not being resubmitted herewith along with this request for reconsideration, since such papers were already previously submitted with the Petition under 37 CFR 1.47(a) filed on August 29, 2011 and/or are already of record in the present application.

- The packet was sent on September 27, 2011 to inventor Crampton via U.S. Postal Service Certified Mail, with a "Restricted Delivery" requirement, meaning that the U.S. Postal Service will deliver the packet only to the addressee (inventor Crampton) or a person authorized by the addressee. Exhibit 6 shows a copy of the Certified Mail label (with Restricted Delivery required). As stated in the U.S. Postal Service website: "Restricted Delivery service ensures that only a specified person (or the person's authorized agent) will receive a piece of mail. Restricted Delivery is available only if you also purchase Certified Mail..."

Exhibit 7 shows the signed receipt label for the packet sent to inventor Crampton, indicating that delivery/receipt occurred on October 1, 2011. In view of the Restricted Delivery

requirement, it is therefore believed that the packet was delivered to and received by inventor Crampton. Moreover, the signature shown on the receipt label is believed to be that of inventor Crampton. The first image below shows the signature on the receipt label, while the second image (which is the same/similar as the first image) is the signature of inventor Crampton taken from a Rule 131 declaration executed by inventor Crampton:

COMPLETE THIS SECTION ON DELIVERY	
A. Signature 	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
B. Received by (Printed Name)	C. Date of Delivery 10-1-11


Matthew C. Crampton

Up to now, a signed inventor declaration has not been received from inventor Crampton. Accordingly, it is respectfully submitted that inventor Crampton's failure to return an executed inventor declaration (as evidenced by his non-return of the application papers sent to him as detailed above and sent previously, and by his being informed that a failure to respond may be considered to be a refusal) constitutes an actual or constructive refusal to join in the present application.

IV. Vincent Tong

A transmittal letter along with application papers and a self-addressed stamped return envelope were sent as a packet via U.S. Postal Service Certified Mail to the last known address of inventor Tong on September 27, 2011. As shown in Exhibit 8:

- the packet was sent on September 27, 2011 to the last known address of inventor Tong at 34734 Williams Way, Union City, CA 94587-5578. This address was obtained from an electronic records search (shown in the first page of Exhibit 1 included with the Petition under

37 CFR 1.47(a) previously filed on August 29, 2011) performed by our law firm's research department. This address is believed to be that of inventor Tong, since as explained in the Petition under 37 CFR 1.47(a) previously filed on August 29, 2011, page 1 of Exhibit 1 further shows a telephone number at 510-487-1482. On May 19, 2011, we dialed this telephone number and spoke with a man who identified himself as Vincent Tong. The person confirmed that he was previously with AOL (the previous assignee of the present application) and that he was a named inventor on the present application. Inventor Tong also confirmed his mailing address of 34734 Williams Way, Union City, CA 94587-5578 and provided an email address of vincent@vincenttong.com.

- The packet sent on September 27, 2011 to inventor Tong included a copy of the application papers, along with a request for inventor Tong to review and execute the application papers. As stated in the transmittal letter to inventor Tong:

"We are thus sending herewith additional copies of the 131 Declaration, Inventorship Declaration, and above-listed publication of the present patent application, Exhibits A-T, and amendments (a)-(j) along with a return envelope that you can use to return the signed 131 Declaration and Inventorship Declaration to my office. Please review these materials including all information on the publication of the present application, Exhibits A-T, amendments (a)-(j), 131 Declaration, and Inventorship Declaration to ensure that they are complete and accurate. If all of the materials enclosed herewith meet with your approval after you review them, please sign and date the two declarations. The two declarations should be signed with your first name and last name as set forth in the two declarations. If you have questions concerning the documents, please contact me to discuss. Once the declarations have been signed, please return them to my office in the enclosed pre-addressed envelope."

- The transmittal letter of September 27, 2011 further included some language regarding a constructive refusal: "Please note that failure to respond may be considered a refusal to sign the declarations."

- For the sake of brevity herein, copies of the application papers sent to inventor Tong are not being resubmitted herewith along with this request for reconsideration, since such papers were already previously submitted with the Petition under 37 CFR 1.47(a) filed on August 29, 2011 and/or are already of record in the present application.

- The packet was sent on September 27, 2011 to inventor Tong via U.S. Postal Service Certified Mail, with a "Restricted Delivery" requirement, meaning that the U.S. Postal Service will deliver the packet only to the addressee (inventor Tong) or a person authorized by the addressee. Exhibit 8 shows a copy of the Certified Mail label (with Restricted Delivery required).

Exhibit 9 shows the signed receipt label for the packet sent to inventor Tong, indicating that delivery/receipt occurred on October 7, 2011. The receipt label is signed by "Anna Xie," which is one of the persons identified in page 1 of previous Exhibit 1 as possibly residing at inventor Tong's last known address of 34734 Williams Way, Union City, CA 94587-5578, which he confirmed to be his address in our May 19, 2011 call to his telephone number 510-487-1482. Hence, it is believed that "Anna Xie" lives in the same household as inventor Tong (as a spouse, relative, or roommate), and has been authorized by inventor Tong to accept the packet sent on September 27, 2011. In view of the U.S. Postal Service's "Restricted Delivery" requirement, wherein only the addressee (inventor Tong) or a person authorized by the addressee may receive the packet, it is respectfully submitted that the packet sent on September 27, 2011 has thus been successfully and adequately presented to inventor Tong.

Up to now, a signed inventor declaration has not been received from inventor Tong. Accordingly, it is respectfully submitted that inventor Tong's failure to return an executed inventor declaration (as evidenced by his non-return of the application papers sent to him as detailed above and sent previously, and by his being informed that a failure to respond may be considered to be a refusal) constitutes an actual or constructive refusal to join in the present application.

V. Request to remove an inventor under 37 CFR 1.48(a)

It is believed that the requirements to delete an inventor under 37 CFR 1.48(a) have been met, such that Ellen F. Butler may be removed from the inventorship list. The requirements under 37 CFR 1.48(a) are as follows (with annotations emphasized below):

(a) *Nonprovisional application after oath/declaration filed.* If the inventive entity is set forth in error in an executed § 1.63 oath or declaration in a nonprovisional application, and such error arose without any deceptive intention...on the part of

the person who through error was not named as an inventor, the inventorship of the nonprovisional application may be amended to name only the actual inventor or inventors. Amendment of the inventorship requires:

- (1) A request to correct the inventorship that sets forth the desired inventorship change; ***(submitted previously on August 29, 2011)***
- (2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part; ***(statement of to-be-deleted Ellen F. Butler submitted previously on August 29, 2011; no persons being added as inventors and so no statement required from such persons)***
- (3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47; ***(declarations submitted previously on August 29, 2011 for inventors Peter Gremett, and Srinivas Lingutla; declaration submitted herewith for inventor Kamal Acharya; petition under 37 CFR 1.47(a) filed for inventors Crampton and Tong)***
- (4) The processing fee set forth in § 1.17(i); ***(submitted previously on August 29, 2011)*** and
- (5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter). ***(submitted previously on August 29, 2011)***

Accordingly, it is believed that the requirements for deleting an inventor under 37 CFR 1.48(a) have been met.

VI. Conclusion

In view of the above, it is respectfully submitted that the evidence accompanying this request for reconsideration, as well as the previously filed documents, demonstrate that all non-signing inventors refuse to join the application and/or cannot be found or reached after diligent effort. Therefore, it is believed that all requirements of 37 CFR 1.47(a) are met by this request for reconsideration and the previously filed petition documents.

Accordingly, it is kindly requested that this request for reconsideration be favorably considered and granted.

The Director is authorized to charge any additional fees due by way of this filing, or credit any overpayment, to our Deposit Account No. 500393.

Respectfully submitted,
Schwabe, Williamson & Wyatt

/Dennis M. de Guzman/

Dennis M. de Guzman, Reg. No. 41,702

DMD:

1420 Fifth Avenue, Suite 3400
Seattle, Washington 98101
Phone: (206) 407-1574
Fax: (206) 292-0460

8287045_1.DOC

EXHIBIT 5

DECLARATION FOR PATENT APPLICATION

INVENTORSHIP IDENTIFICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

METHOD AND SYTEM FOR INTEGRATED ONLINE AND BRICK AND MORTAR
PROVIDER SHOPPING

SPECIFICATION IDENTIFICATION

the specification of which

_____ is attached hereto.

X was filed on October 11, 2001 as
United States Application 09/975,831
or PCT International Application Number _____
and was amended on (a) October 18, 2002; (b) September 23, 2003;
(c) January 20, 2004; (d) October 4, 2004; (e) April 20, 2006; (f) August 9, 2006; (g) July
17, 2008; (h) December 19, 2008; (i) July 17, 2009; and (j) April 27, 2010.
(if applicable)

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above.

I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

PRIORITY CLAIM (35 U.S.C. § 119(a)-(d) or (f), or 365(b))

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which

Attorney's Docket No. 122118-175973

Patent

designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			<u>Priority Claimed</u>	
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First Inventor: Kamal Acharya
 Inventor's Signature: Kamal Acharya Date: 8/4/2011
 Residence: Los Altos, CA Citizenship: IN
 (City, State) (Country)
 Post Office Address: 675 Distel Drive, Los Altos, CA 94022

Full Name of Second Inventor: Vincent Tong

Inventor's Signature: _____ Date: _____

Residence: Union City, CA Citizenship: HK

(City, State) (Country)

Post Office Address: 34734 Williams Way, Union City, CA 94587

Full Name of Third Inventor: Peter Gremett
 Inventor's Signature: _____ Date: _____
 Residence: Sunnyvale, CA Citizenship: US
 (City, State) (Country)
 Post Office Address: 1045 W. McKinley Ave., Sunnyvale, CA 94086

Full Name of Fourth Inventor: Matthew Crampton**Inventor's Signature:** _____ **Date:** _____**Residence:** Mountain View, CA **Citizenship:** US
(City, State) (Country)**Post Office Address:** 1931 Old Middlefield Way, Mountain View, CA 94043
_____**Full Name of Fifth Inventor:** Srinivas Lingutla**Inventor's Signature:** _____ **Date:** _____**Residence:** Pittsfield, MA **Citizenship:** IN
(City, State) (Country)**Post Office Address:** 20 Meadow Ridge Drive, Pittsfield, MA 01201

Title 37, Code of Federal Regulations, Section 1.56
Duty to Disclose Information Material to Patentability

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct.

The Office encourages applicants to carefully examine:

(1) Prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application;

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

EXHIBIT 6



SCHWABE, WILLIAMSON & WYATT
ATTORNEYS AT LAW

US Bank Centre, 1420 5th Ave., Suite 3400, Seattle, WA 98101 | Phone 206-622-1711 | Fax 206-292-0460 | www.schwabe.com

DENNIS M. DE GUZMAN
Direct Line: (206) 407-1574
E-Mail: ddeguzman@schwabe.com

September 27, 2011

VIA USPS Certified Mail
Tracking No. 7011 0470 0002 9752 3749

Matthew Crampton
c/o Gigwalk
1931 Old Middlefield Way
Mountain View, CA 94043

AND

Matthew Crampton
841 W California Ave., Unit C
Sunnyvale, CA 94086

UPCOMING DEADLINE:

Please return the signed declaration to us by or before October 14, 2011 as noted below

Re: Method and System for Integrated Online and Brick and Mortar Provider
Shopping
U.S. Patent Application No. 09/975,831
Filed: Oct. 11, 2001
Our File No.: 122118-175973

Dear Mr. Crampton:

In follow up to our previous letter to you of August 1, 2011 and other correspondence and as you know, my firm is handling a patent application (U.S. Patent Application No. 09/975,831, entitled "Method and System for Integrated Online and Brick and Mortar Provider Shopping"), which was originally filed by AOL with you listed as an inventor.

We previously sent you a package on August 1, 2011 that included an Inventorship Declaration along with a copy of the publication of this patent application and copies of the amendments of (a) October 18, 2002; (b) September 23, 2003; (c) January 20, 2004; (d) October 4, 2004; (e) April 20, 2006; (f) August 9, 2006; (g) July 17, 2008; (h) December 19, 2008; (i) July 17, 2009; and (j) April 27, 2010; as well as a return envelope.

Unfortunately, we have not yet received your signed Inventorship Declaration. **We are thus sending herewith additional copies of the Inventorship Declaration, and the publication of the present patent application, and amendments (a)-(j) along with a return envelope that you can use to return the signed Inventorship Declaration to my office.**

Please review these materials including all information on the publication of the present application, amendments (a)-(j), and Inventorship Declaration to ensure that they are complete and accurate. If all of the materials enclosed herewith meet with your approval after you review them, please sign and date the Inventorship Declaration. The Inventorship Declaration should be signed with your first name and last name as set forth in the Inventorship Declaration. If you have questions concerning the documents, please contact me to discuss.

Once the Inventorship Declaration has been signed, please return it to my office in the enclosed pre-addressed envelope. Please also fax the signed Inventorship Declaration to (206) 292-0460, or scan and email the signed Inventorship Declaration to me at ddeguzman@schwabe.com. We ask that you provide us with your signed Inventorship Declaration by **October 14, 2011**. Please note that failure to respond may be considered a refusal to sign the Inventorship Declaration.

If you have any questions, please do not hesitate to contact me directly. Thank you for your valuable assistance.

Sincerely,

SCHWABE, WILLIAMSON & WYATT, P.C.



Dennis M. de Guzman

DMD:edj

Enclosures as noted

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Matthew Crampton
841 W California Ave., Unit C
Sunnyvale, CA 94086

2. Article Number
(Transfer from service label)

7011 0470 0002 9752 3749

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☒ Yes

7011 0470 0002 9752 3749

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage \$ ~~12.30~~

Certified Fee

Return Receipt Fee (Endorsement Required)

Restricted Delivery Fee (Endorsement Required)

Total Postage & Fees \$ 12.30

Sent to: Matthew Crampton
Street, Apt. No., or PO Box No. 841 W. California Ave., Unit C
City, State, ZIP+4[®] Sunnyvale, CA 94086

PS Form 3800, August 2005

See Reverse for Instructions

1102 L 773 SEATTLE STATION

S&W
ATTORNEYS AT LAW
SCHWABE, WILLIAMSON & WYATT®

US Bank Centre, 1420 5th Ave., Suite 3010
Seattle, WA 98101

Attn: Evelyn Jackson
Schwabe, Williamson & Wyatt
1420 5th Ave., Ste. 3400
Seattle, WA 98101



EXHIBIT 7

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Matthew Crampton
841 W California Ave., Unit C
Sunnyvale, CA 94086

2. Article Number
(Transfer from service label)

7011 0470 0002 9752 3749

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]*

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

10-1-11

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☒ Yes

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Attn: Evelyn Jackson
SCHWABE, WILLIAMSON & WYATT
U.S. Bank Centre, #8400
1420 5th Avenue
Seattle, WA 98101-2339

RECEIVED
OCT 03 2011
SCHWABE, WILLIAMSON & WYATT

EXHIBIT 8



SCHWABE, WILLIAMSON & WYATT
ATTORNEYS AT LAW

US Bank Centre, 1420 5th Ave., Suite 3400, Seattle, WA 98101 | Phone 206-622-1711 | Fax 206-292-0460 | www.schwabe.com

DENNIS M. DE GUZMAN
Direct Line: (206) 407-1574
E-Mail: ddeguzman@schwabe.com

September 27, 2011

VIA USPS Certified Mail
Tracking No. 7011 0470 0002 9752 3756

Mr. Vincent Tong
34734 Williams Way
Union City, CA 94587-5578

UPCOMING DEADLINE:

Please return the signed declaration to us by or before October 14, 2011 as noted below

Re: Method and System for Integrated Online and Brick and Mortar Provider Shopping
U.S. Patent Application No. 09/975,831
Filed: Oct. 11, 2001
Our File No.: 122118-175973

Dear Mr. Tong:

In follow up to our previous letter to you of August 1, 2011 and other correspondence and as you know, my firm is handling a patent application (U.S. Patent Application No. 09/975,831, entitled "Method and System for Integrated Online and Brick and Mortar Provider Shopping"), which was originally filed by AOL with you listed as an inventor.

We previously sent you a package on August 1, 2011 which included a declaration under 37 CFR 1.131 to establish dates of conception, reduction to practice, and diligence in reducing the invention to practice ("the 131 Declaration"). The August 1, 2011 package also included copies of Exhibits A-T (which are referred to by the 131 Declaration), a copy of the publication of this patent application, and a return envelope.

In the package of August 1, 2011, we also sent you an Inventorship Declaration along with a copy of the publication of this patent application and copies of the amendments of (a) October 18, 2002; (b) September 23, 2003; (c) January 20, 2004; (d) October 4, 2004; (e) April 20, 2006; (f) August 9, 2006; (g) July 17, 2008; (h) December 19, 2008; (i) July 17, 2009; and (j) April 27, 2010; as well as a return envelope.

September 27, 2011

Page 2

Unfortunately, we have not yet received your response to either of these or previous packages. **We are thus sending herewith additional copies of the 131 Declaration, Inventorship Declaration, and above-listed publication of the present patent application, Exhibits A-T, and amendments (a)-(j) along with a return envelope that you can use to return the signed 131 Declaration and Inventorship Declaration to my office.**

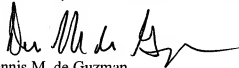
Please review these materials including all information on the publication of the present application, Exhibits A-T, amendments (a)-(j), 131 Declaration, and Inventorship Declaration to ensure that they are complete and accurate. If all of the materials enclosed herewith meet with your approval after you review them, please sign and date the two declarations. The two declarations should be signed with your first name and last name as set forth in the two declarations. If you have questions concerning the documents, please contact me to discuss.

Once the declarations have been signed, please return them to my office in the enclosed pre-addressed envelope. Please also fax the signed Declaration to (206) 292-0460, or scan and email the signed Declarations to me at ddeguzman@schwabe.com. We ask that you provide us with your signed Declarations by October 14, 2011. Please note that failure to respond may be considered a refusal to sign these declarations.

If you have any questions, please do not hesitate to contact me directly. Thank you for your valuable assistance.

Sincerely,

SCHWABE, WILLIAMSON & WYATT, P.C.



Dennis M. de Guzman

DMD:edj

Enclosures as noted

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature X <div style="text-align: right;"> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee </div>	
1. Article Addressed to: <p style="text-align: center;">Mr. Vincent Tong 34734 Williams Way Union City, CA 94587-5578</p>		B. Received by (Printed Name)	C. Date of Delivery
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes if YES, enter delivery address below: <input type="checkbox"/> No	
		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
2. Article Number (Transfer from service label)		4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes	
		7011 0470 0002 9752 3756	
PS Form 3811, February 2004		Domestic Return Receipt	

102595-02-M-1540

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$ 6.47
Certified Fee	2.85
Return Receipt Fee (Endorsement Required)	2.30
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$13.62

Sent To Vincent Tong
Street, Apt. No. 34734 Williams Way
or PO Box No. Union City, CA 94587-5578
City, State, ZIP+4[®]

PS Form 3800, August 2006 See Reverse for Instructions

7011 0470 0002 9752 3756

neopost[®]

PRIORITY MAIL
Contribution

09/27/2011

US POSTAGE

\$05.16⁰



ZIP 98101

041L11219708

Attn: Dennis de Guzman
Schwabe, Williamson & Wyatt
1420 5th Ave., Ste. 3400
Seattle, WA 98101

EXHIBIT 9

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Vincent Tong
34734 Williams Way
Union City, CA 94587-5578

2. Article Number
(Transfer from service label)

7011 0470 0002 9752 3756

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

Date of Delivery

C. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

OCT - 7 2011

USPS 94587

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☒ Yes

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Attn: Dennis deGuzman
SCHWABE, WILLIAMSON & WYATT
U.S. Bank Centre, #300
1420 5th Avenue
Seattle, WA 98101-2300

RECEIVED
OCT 11 2011

